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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/415,617      | 10/11/1999  | JAMES CYR            | 0022886-0101        | 5078             |

22930 7590 02/26/2004

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EXAMINER

HOANG, PHUONG N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2126     | 16           |

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/415,617

Applicant(s)

CYR ET AL.

Examiner

Phuong N. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 6, and 13 - 25 is/are pending in the application.
- 4a) Of the above claim(s) 7 - 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13 - 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1 – 6 are pending for examination. Claims 7 – 12 are withdrawn. Claims 13 - 25 are added and pending for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 6, 13, 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinsky, US patent no. 5,469,353 in view of Cosie “An Open Medical Imaging Workstation Architecture for Platform-Independent 3-D Medical Image Processing and Visualization” pages 279 - 283.**

4. **As to claim 1**, Pinsky teaches a discrete software system for providing an interface between a radiology information system and a central dictation system, the discrete software system including:

a database management system (DBMS database management, admin. site, col. 12 lines 20 – 30 and col. 3 lines 65 – col. 4 lines 5);

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a first computer (acquiring computer or host computer, col. 8 lines 54 – col. 9), the radiology information system (acquiring sites, col. 3 lines 10 – 15) to access the database management system;

a second computer (workstations 96, col. 10 lines 1 – 35), the central dictation system (interpretation sites, col. 6 lines 34 – 40 and col. 10 and col. 12 lines 52 - 60) and with the first computer to access the database management system;

wherein second computer is also configured to receive data from the radiology information system through the first computer (data is transferred from the acquiring computer to interpreter computer through the network, col. 7 lines 18 – 35).

Pinsky does not explicitly teach the steps of a first application and the second application;

Cosie teaches:

a first application configured to interface (first application having API for .... Tool manager API, page 281, col. 1); a second application configured to interface (second application having API for accessing the functionality of the image .... Kernel API, page 281, col. 1);

It would have been obvious for one of the ordinary skill in the art to combine the teaching of Pinsky and Cosie's system because Cosie's applications having APIs enable the users at the acquiring sites use the computer to access the database; and also radiologists can access the database for dictation process.

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5. **As to claim 2**, Pinsky modified by Cosie teaches wherein at least one of the first application module and the second application module programs a first computer device (the computer device at the hospital site, col. 8 lines 54 – col. 9) and the database management system programs a second computer device (workstations 96, col. 10 lines 1 – 35) but interfaced to, the first computer device.

6. **As to claim 3**, Pinsky teaches the step of wherein the first computer device includes a mass storage (storage to store image, col. 9 lines 8 – 16) component in which the central dictation system stores voice files corresponding to dictation jobs.

7. **As to claim 4**, Pinsky teaches the step of the radiology information system is maintained in a third computer device (acquiring sites 12, 16, or 18, col. 3 lines 10 – 15) which is separate from the first and second computer devices but which is interfaced to the first computer device.

8. **As to claim 5**, Pinsky teaches the steps comprising of: a first protocol DLL for transmitting data messages between the first application module and the central dictation system; a second protocol DLL; and a communication DLL for transmitting data messages between the second protocol DLL and the radiology information system; the second protocol DLL transmitting messages between the second application module and the communication module (system can use various communication links for transferring medical images, col. 7 lines 16 – 50).

9. **As to claim 6**, it is a method claim of claim 1. See rejection for claim 1 above.

10. **As to claim 13**, Pinsky teaches the steps of wherein the first application module comprises:

a communications dynamic linked library configured to translate between a communication system format of the radiology information system and a raw data format (converts the phosphor image into a digital representation, col. 9 lines 9 – 15);

a manager application module configured to exchange information with the second application module (network protocol to transmit the study to the interpretation sites over the network, col. 9 lines 25).

11. **As to claim 14**, Pinsky teaches the steps of wherein the second application module comprises:

a protocol dynamic linked library configured to convert (the workstations generally utilize state-of-art technology to reproduce images for making final interpretation, col. 6 lines 24 – 40) information between a raw data format and a format specified by a messaging protocol of the central dictation system;

a manager application module configured to exchange information between the radiology information system and the first application module (contact the transmitting site to send back the report across the network to the acquiring site, col. 6 lines 24 – 42).

12. **As to claim 22**, it is an apparatus claim of claim 1. See rejection for claim 1 above.

13. **Claims 15 – 17, 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinsky, US patent no. 5,469,353, in view of Cosie “An Open Medical Imaging Workstation Architecture for Platform-Independent 3-D Medical Image Processing and Visualization” pages 279 – 283, and further in view of Bessette, US patent no. 6,263,330.**

14. **As to claim 15 and 23**, Pinsky modified by Cosie teaches the step of:  
receiving patient information from the radiology information system at the first application module (Pinsky; the hospital acquires radiological images from the patient, col. 3 lines 54 – 60);

Pinsky and Cosie do not teach the steps of:

transmitting a query based on the patient information to the database management system from a first manager application module of the first application module; and

determining a status of a record for the patient information in the database management system.

Bessette teaches:

transmitting a query based on the patient information to the database management system from a first manager application module of the first application module (from a client workstation, a user may make a query of the server 300, col. 15 lines 52 – 55);

determining a status of a record for the patient information in the database management system (table is used to identify the client's status, col. 10 lines 6 – 35).

It would have been obvious for one of the ordinary skill in the art to combine the teaching of Pinsky, Cosie, and Bessette's system because Bessette's querying can quickly provide information and status of particular patients.

15. **As to claim 16 and 24**, Pinsky teaches the steps of:

adding the patient information to the database management system in response to the status being non-existence for the record (acquires radiological images from the patient implies that the record is not yet exist in the database, col. 3 lines 54 – 60);

resetting the first application module to a ready condition (inherent when adding new record).

16. **As to claim 17 and 25**, Pinsky and Cosie modified by Bessette teaches determining a type of event based on the patient information in response to determination of the status being existent for the record (Bessette; treatment events that they have administered to patients ..... status/results of medical information pointed to, col. 13 lines 39 – 65).



17. **Claims 18 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinsky, US patent no. 5,469,353, in view of Cosie "An Open Medical Imaging Workstation Architecture for Platform-Independent 3-D Medical Image Processing and Visualization" pages 279 – 283, further in view of Bessette, US patent no. 6,263,330, and further in view of Cooke, US patent no. 6,574,629.**

18. **As to claims 18 - 20, Pinsky and Cosie modified by Bessette teaches the steps of querying and updating the database management system with the patient information in response to a determination of the status being existent for the client (Bessette; Archivist status accords the client ... for updating the NDSMR database, col. 10 lines 20 – 25 and col. 9 lines 55 – 60); querying for the accession number in the database management system in response to determination of non-existence status for the client and no query being issued (one of the ordinary skill in the art can recognize that there is no query for non-existent patient).**

Pinsky, Cosie and Bessette do not explicitly teach the step of the client information in database is based on the accession number.

Cooke teaches query the database based on the accession number (query based on the accession number, col. 11 lines 45 – 60).

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It would have been obvious for one of the ordinary skill in the art to combine the teaching of Pinsky, Cosie, Besette, and Cooke's system because Cooke's accession number is usually used to identify the study by radiologists.

19. **As to claim 21**, Pinsky, Cosie, modified by Besette teaches the step of transmitting reconciliation message to a manager application module (Besette; archivist are currently responsible for ensuring a good upkeep of all local medical files, col. 14 lines 25 – 35).

### ***Response to Arguments***

20. Applicant's arguments filed on 12/4/03 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph  
February 20, 2004

  
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